



DEPARTMENT OF THE NAVY

BOARD FOR CORRECTION OF NAVAL RECORDS

2 NAVY ANNEX

WASHINGTON DC 20370-5100

TJR

Docket No: 2344-00

28 September 2000

Dear [REDACTED]

This is in reference to your application for correction of your naval record pursuant to the provisions of Title 10, United States Code, Section 1552.

A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 19 September 2000. Your allegations of error and injustice were reviewed in accordance with administrative regulations and procedures applicable to the proceedings of this Board. Documentary material considered by the Board consisted of your application, together with all material submitted in support thereof, your naval record, and applicable statutes, regulations, and policies.

After careful and conscientious consideration of the entire record, the Board found the evidence submitted was insufficient to establish the existence of probable material error or injustice.

The Board found you enlisted in the Navy on 29 November 1979 at the age of 19. Your record reflects that you served for nearly a year without incident but on 23 September 1980 you received nonjudicial punishment (NJP) for absence from your appointed place of duty. The punishment imposed was extra duty for 14 days, restriction for 10 days, and a \$100 forfeiture of pay.

Your record further reflects that on 8 September 1981 you were convicted by general court-martial (GCM) of wrongful possession, transfer, and sale of cocaine and marijuana. You were sentenced to confinement at hard labor for 250 days, forfeitures of pay for 250 days, and a bad conduct discharge (BCD). On 16 September 1981 you received NJP for absence from your appointed place of duty and misappropriation of government property. The punishment imposed was a reduction in rate and a \$200 forfeiture of pay.

Subsequently, the BCD was approved at all levels of review and ordered executed. On 26 October 1982 you received a BCD.

The Board, in its review of your entire record and application, carefully weighed all potentially mitigating factors, such as your youth and immaturity, good post service conduct, and your request for recharacterization of your discharge. The Board further considered your contention that you would like to become an American citizen and obtain better employment. However, the Board concluded these factors were not sufficient to warrant recharacterization of your discharge given the seriousness of your drug related misconduct. Given all the circumstances of your case, the Board concluded your discharge was proper as issued and no change is warranted. Accordingly, your application has been denied.

The names and votes of the members of the panel will be furnished upon request.

It is regretted that the circumstances of your case are such that favorable action cannot be taken. You are entitled to have the Board reconsider its decision upon submission of new and material evidence or other matter not previously considered by the Board. In this regard, it is important to keep in mind that a presumption of regularity attaches to all official records. Consequently, when applying for a correction of an official naval record, the burden is on the applicant to demonstrate the existence of probable material error or injustice.

Sincerely,

W. DEAN PFEIFFER
Executive Director